

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eighth Judicial District Court, County of Cascade

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-13-377
-vs-)	
)	DECISION
TRACY ANN HARLESS,)	
)	
Defendant.)	

On May 4, 2015, the District Court sentenced the Defendant to twenty (20) years in the Montana Women's Prison, for the offense of Count I: Negligent Homicide, a Felony, in violation of §45-5-104, MCA. The Defendant was granted credit for four (4) days for time already served. The State did not seek restitution.

On April 7, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Jason Holden and Katie Ranta of the Faure Holden law firm. The State was not represented. Present at the hearing was Samantha Martyn, Defendant's daughter, and William Tamietti, Jr., friend of Defendant.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of April, 2017.

DATED this 7 day of April, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 27 day
of April, 2017, to:

Clerk of District Court (Original)
Tracy Ann Harless #3016131, Defendant (2)
Hon. Kenneth Neill
Jason Holden, Defense Counsel
Cascade County Attorney
Board of Pardons and Parole
MWP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division